

In the High Court of Punjab and Haryana at Chandigarh.

CR No.5256 of 2007

Date of decision: 11-10-2007

Suba Singh

... Petitioner.

Versus

Harjinder Kaur and others

... Respondents.

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Present: Mr. I.S. Brar, Advocate, for the petitioner.

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PERMOD KOHLI, J. (Oral):

This revision is directed against the order dated 09.06.2007 passed by the learned Civil Judge (Senior Division), Muktsar, allowing an application made under Order 1 Rule 10 read with Section 151 of the Code of Civil Procedure, for impleadment, by the applicants who are defendants Nos.8 and 9 in the suit. It is the admitted case of the parties that a suit has been preferred by the present petitioner for declaration and permanent injunction claiming the right over the property on the basis of the Will. The original defendants in the suit also claimed their right on the basis of another Will executed by the original owner of the property. It is also admitted position that during the pendency of the suit, Amamdeep Singh, one of the defendants who is recorded as owner in the revenue record and a mutation is attested in his favour, sold the suit property to the

applicants (defendant nos.8 and 9) by a registered sale deed. These purchasers filed an application for impleadment as party-defendants in the suit on the basis of the sale in their favour claiming to be bona fide purchasers.

The trial Court has allowed this application and impleaded them as party-defendants vide the impugned order which has been challenged on the ground that they have no right to contest the suit as the sale is hit by the principle of lis pendens. In so far as the question of sale in their favour is concerned, it is not disputed. The interest in the property has been devolved upon respondent Nos.8 and 9 by virtue of sale. Their right will be subject to the decision of the Court. It does not in any manner affect the application of doctrine of lis pendens if it is otherwise applicable. The applicants cannot be said to be strangers to the suit. They are definitely necessary and proper parties.

In view of the above, I find no merit in the present revision petition and the same is hereby dismissed with no order as to costs.

11.10.2007
BLS

(PERMOD KOHLI)
JUDGE